

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

APR 11 2023

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MICHAEL BAUER,

Defendant.

MITCHELL R. ELFERS

CLERK

CRIMINAL NO. CR 23-464 WJCount 1: 18 U.S.C. § 1951: Interference
with Commerce by Robbery;Count 2: 18 U.S.C. § 924(c)(1)(A)(iii):
Using and Carrying a Firearm During and
in Relation to a Crime of Violence, and
Possessing a Firearm in Furtherance of
Such Crime; Discharging Said Firearm;Count 3: 18 U.S.C. § 2119: Attempted
Carjacking;Count 4: 18 U.S.C. §§ 922(g)(1) and 924:
Felon in Possession of a Firearm and
Ammunition.INDICTMENT

The Grand Jury charges:

Count 1

On or about February 22, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **DAVID MICHAEL BAUER**, unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendant unlawfully took and obtained personal property consisting of money in the presence of John Doe 1, then employed by Waffle House, against John Doe 1's will by means of actual and threatened force, violence, and fear of injury, that is, the defendant discharged a firearm and took money from the register.

In violation of 18 U.S.C. § 1951.

Count 2

On or about February 22, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **DAVID MICHAEL BAUER**, knowingly used and carried a firearm, during and in

relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, specifically, interference with commerce by robbery as charged in Count 1 of the indictment, and possessed said firearm in furtherance of such crime, and the firearm was discharged.

In violation of 18 U.S.C. § 924(c)(1)(A)(iii).

Count 3

On or about February 22, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **DAVID MICHAEL BAUER**, with the intent to cause death and serious bodily injury, attempted to take a motor vehicle, that is, a blue 2017 City of Albuquerque Solid Waste Truck, that had been transported, shipped and received in interstate commerce, from the person and presence of John Doe 2, by force, violence, and intimidation.

In violation of 18 U.S.C. § 2119.

Count 4

On or about February 22, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **DAVID MICHAEL BAUER**, knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) bank robbery,
- (2) armed bank robbery,
- (3) possession of a controlled substance (cocaine),
- (4) felon in possession of a firearm and ammunition, and
- (5) burglary,

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

SENTENCING ALLEGATION

Before the defendant, **DAVID MICHAEL BAUER**, committed the offense charged in Count 4 of this Indictment, the defendant was convicted of the crimes alleged in that count, which were all committed on occasions different from one another.

FORFEITURE ALLEGATION

Upon conviction of any offense in violation of 18 U.S.C. §§ 922(g) or 924(c), the defendant, **DAVID MICHAEL BAUER**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

- a. a Springfield Armory XD .45-caliber semi-automatic handgun bearing serial number MG657712,
- b. approximately four rounds of Blazer .45 caliber ammunition;
- c. approximately two rounds of SIG .45 caliber ammunition; and
- d. approximately four rounds of Winchester .45 caliber ammunition.

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY

Taylor Hunt
Assistant United States Attorney